

ORCANA

at 1 o'clock and 38 min. P.M.
SUE BEITIA, CLERK

[illegible]

) Judge: The Hon. Helen Gillmor

)

DENNIS CLAYPOOL,)	CIVIL NO.: CV 04 00570 HG-KSC
SHERYL CLAYPOOL)	
individually and as Guardian ad)	
Litem for KRISTEN)	
CLAYPOOL, a minor, SCOTT)	
CLAYPOOL,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CAPTAIN ANDY'S SAILING,)	
INC., BLUE DOLPHIN)	
CHARTERS, LTD. And BLUE)	
DOLPHIN DIVING, LTD.,)	
)	
Defendants.)	
)	
)	

DECLARATION OF RICHARD A. LESSER

I, Richard A. Lesser, declare:

1. I am an attorney duly licensed to practice law in the Courts of the State of Hawaii and before this Honorable Court. I make this declaration based upon my own personal knowledge and if called as a witness, I could and would competently testify to the following:

2. Attached hereto as Exhibit "1" is a true and correct copy of the face page of Blue Dolphin Charters, Ltd.'s Answer to First Amended Complaint to the Claypool action, filed November 15, 2004, page 2, and page 7 noting limitation as affirmative defense number 10.

3. Attached hereto as Exhibit "2" is a true and correct copy of the face page of Blue Dolphin Charters, Ltd.'s Answer to Seaman's Complaint to the

Isham action filed November 19, 2004, page 2, and page 9 noting limitation as affirmative defense number 10.

4. Attached hereto as Exhibit "3" is a true and correct copy of the first two pages of Blue Dolphin Charters, Ltd. And Terry Donnelly's Memorandum in Opposition to Isham's Motion for Partial Summary Judgment filed on December 8, 2005.

5. Attached hereto as Exhibit "4" is a true and correct copy of the Withdrawal and Appearance of Counsel and Order filed April 21, 2005 in the Isham action.

6. Attached hereto as Exhibit "5" is a true and correct copy of the Stipulation Preserving Captain Andy's Sailing, Inc.'s and Evans Pacific, Ltd.'s Limitation Rights and Apportioning Agreed Limitation Fund lodged in the Captain Andy's limitation action.

7. Attached hereto as Exhibit "6" is a true and correct copy of the First Amended Letter of Undertaking filed February 14, 2005 in the Captain Andy's limitation action.

8. Attached hereto as Exhibit "7" is a true and correct copy of the Order Directing Issuance of Notice, Publication Thereof and Restraining Order filed February 16, 2005 in the Captain Andy's action, exemption the Isham and Claypool actions from the stay.

9. Attached hereto as Exhibit "8" is a true and correct copy of the letter from attorney Hillsman to attorneys Lacy and Black dated January 21, 2005 in the Claypool action.

10. Attached hereto as Exhibit "9" is a true and correct copy of the letter from attorney Hillsman to attorney Lacy dated January 27, 2005 in the Claypool action.

11. Attached hereto as Exhibit "10" is a true and correct copy of the General Index/Abstract of Title, reflecting First Hawaiian Bank held a \$250,000.00 mortgage on the Blue Dolphin.

12. Attached hereto as Exhibit "11" is a true and correct copy of an e-mail from declarant to attorney Steiner dated January 13, 2006.

13. Attached hereto as Exhibit "12" is a true and correct copy of an e-mail from declarant to attorney Steiner dated January 14, 2006.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 18th day of January, 2006 at Redondo Beach, California.



Richard A. Lesser